

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
IN RE LOWER MANHATTAN DISASTER SITE
LITIGATION

Case No.: 21 MC 102(AKH)

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~~THIS DOCUMENT APPLIES TO ALL LOWER
MANHATTAN DISASTER SITE LITIGATION~~

STIPULATION OF DISCONTINUANCE AS
TO DEFENDANT, GRUBB & ELLIS
MANAGEMENT SERVICES, INC., ONLY
FOR THE CASE LISTED IN THE
ATTACHED "EXHIBIT A"

-----X
IT IS HEREBY STIPULATED AND AGREED by and between the undersigned for the parties
in the cases listed in the attached exhibit, that whereas no party herein is an infant, incompetent person for
whom a committee has been appointed or conservatee and no person not a party has an interest in the
subject matter of this action and based on the representation of the within defendant, and to the extent of
Plaintiff can so Stipulate that each claim, cross-claim and counter-claim asserted by and against defendant
GRUBB & ELLIS MANAGEMENT SERVICES, INC., only as to the claims being made as to the premises
located at 22 Cortland Street, New York, New York for the cases listed in the attached exhibit shall be
and the same hereby are discontinued without prejudice without costs to any party as against the other.

IT IS FURTHER STIPULATED AND AGREED that should evidence be discovered
throughout the course of the litigation which determines that *GRUBB & ELLIS MANAGEMENT
SERVICES, INC.*, are proper parties to this suit, that plaintiff(s) may reinstitute the action without regard
to the applicable Statute of Limitations, assuming said original action was timely commenced, and in such
instance Defendant shall not assert Statute of Limitation as a defense.

This Stipulation may be filed without further notice with the Clerk of the Court.

Dated: New York, New York
November 20, 2012

McGIVNEY & KLUGER, P.C.
Attorneys for Defendant
GRUBB & ELLIS MANAGEMENT
SERVICES, INC.

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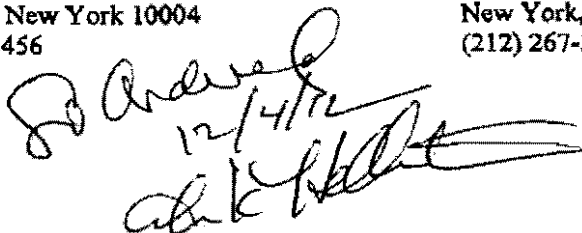


EXHIBIT A

| PLAINTIFF'S NAME | INDEX NUMBER | PLAINTIFF'S COUNSEL |
|-------------------------|---------------------|----------------------------|
| Botero, July | 08cv02575 | Napoli Bern |

